

**Introduced by Senator Soto**

December 6, 2004

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An act to add Section 87406.3 to the Government Code, relating to the Political Reform Act of 1974.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 8, as introduced, Soto. Political Reform Act of 1974: conflicts of interest.

(1) Existing law, the Political Reform Act of 1974 prohibits former members of a state administrative agency and former members of a district board, as defined, from representing any persons before the state administrative agency, or the district board, under specified conditions.

This bill would also prohibit a local elected official, chief administrative officer of a county, city manager or administrator, or general manager or chief administrator of a special district, who held a position with a local government agency as defined, for a period of one year after leaving that office or employment, from acting as an agent or attorney for, or otherwise representing, for compensation, any other person, by appearing before, or communicating with, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

Existing law makes violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The act provides that the Legislature may amend the act to further the act's purposes by a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements. This bill would declare that it furthers the purposes of the act.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 87406.3 is added to the Government  
2 Code, to read:

3 87406.3. (a) A local elected official, chief administrative  
4 officer of a county, city manager or administrator, or general  
5 manager or chief administrator of a special district who held a  
6 position with a local government agency as defined by Section  
7 82041, shall not, for a period of one year after leaving that office  
8 or employment, act as agent or attorney for, or otherwise  
9 represent, for compensation, any other person, by making any  
10 formal or informal appearance before, or by making any oral or  
11 written communication to, that local government agency, or any  
12 committee, subcommittee, or present member of that local  
13 government agency, or any officer or employee of the local  
14 government agency, if the appearance or communication is made  
15 for the purpose of influencing administrative or legislative action,  
16 or influencing any action or proceeding involving the issuance,  
17 amendment, awarding, or revocation of a permit, license, grant,  
18 or contract, or the sale or purchase of goods or property.

19 (b) Subdivision (a) shall not apply to any individual who is, at  
20 the time of the appearance or communication, a board member,  
21 officer, or employee of another local government agency or an  
22 employee or representative of a public agency and is appearing  
23 or communicating on behalf of that agency.

1 SEC. 2. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the  
6 penalty for a crime or infraction, within the meaning of Section  
7 17556 of the Government Code, or changes the definition of a  
8 crime within the meaning of Section 6 of Article XIII B of the  
9 California Constitution.

10 SEC. 3. The Legislature finds and declares that the provisions  
11 of this act further the purposes of the Political Reform Act of  
12 1974 within the meaning of subdivision (a) of Section 81012 of  
13 the Government Code.